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HOUSE BILL NO. 106
INTRODUCED BY R. MARSHALL

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE EXPANSION OF PROHIBITIONS RELATED TO THE MONTANA CLEAN INDOOR AIR ACT; AMENDING SECTION 50-40-108, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-40-108, MCA, is amended to read:

"50-40-108. Enforcement -- prohibition on expansion. (1) The provisions of this part must be supervised and enforced by the department and the department's designees, local boards of health, and the boards' designees under the direction of the department.

(2) A local governing body, local board of health, or the department may not enact or enforce any regulation, rule, or ordinance that alters, expands, or modifies the prohibitions provided for in 50-40-104 or that alters, expands, or modifies the definitions provided in 50-40-103."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

NEW SECTION. **Section 3. Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to any regulation, rule, or ordinance adopted by a local governing body, a local board of health, or the department of public health and human services before [the effective date of this act] that is in violation of [section 1(2)]. It also applies to any of the same adopted on or after [the effective date of this act].

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